

Court No. - 6

Case :- WRIT - C No. - 38692 of 2023

Petitioner :- Shree Prakash And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Pawan Kumar Srivastava

Counsel for Respondent :- C.S.C.,Kamal Nayan Tripathi

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Pawan Kumar Srivastava, learned counsel for the petitioners, Mr. Devendra Pratap Singh, learned counsel for respondent no.3-Bank and learned Standing Counsel for State-respondents.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

This writ petition has been filed by the petitioners with the following prayer :-

"I) Issue a writ, order or direction in the nature of Certiorari quashing the recovery citation Dt.21.09.2023 for recovery amount of Rs.29,37,105.00/- issued by respondent no.4 Tehsildar Tehsil Sadar District Mirzapur.

II) Issue a writ, order or direction in the nature of mandamus directing restraining the respondent Bank from initiating coercive action against the Petitioners in pursuance to the impugned recovery citation.

III) Issue a writ, order or direction in the nature of Mandamus commanding the respondent to provide statement of account and correct details of loan amount of the Petitioners and also give some time to petitioners to deposit the entire amount in easy installment.

....."

Learned counsel for the petitioners submits that the petitioners had taken a loan of Rs.20,00,000/- from the respondent-Bank for establishing a dairy business on 19.07.2016. He has paid the installments of the loan amount from time to time, but due to some personal difficulty he could not deposit few installments, therefore, a recovery citation dated 21.09.2023 has been issued by respondent no.4-Tehsildar, Tehsil-Sadar, District-Mirzapur against the petitioners. Learned counsel for the petitioners further submits that the petitioners are ready and willing to deposit the entire recovery amount within the time fixed by this Court.

Learned counsel appearing for the Bank fairly states that the Bank is interested in realizing the entire amount alongwith interest and if the petitioners deposit the amount within the time granted by this Court, no further action shall be taken against them by the Bank.

Considering the facts and circumstances of the case and in the interest of justice, the present writ petition is **disposed off** with the following directions:-

(i) Petitioners shall deposit a sum of Rs.1,00,000/- of the amount on or before 11th December, 2023. Thereafter, the entire balance amount shall be deposited in **ten equal quarterly installments**.

(ii) The installments shall be deposited in first week of respective calendar month.

(iii) Recovery proceedings during this period will be kept in abeyance. In case petitioners commit default in depositing any of the installments within the above stipulated time, it will be open to the respondents to start recovery proceedings again by taking coercive process to which the petitioners undertake not to challenge.

(iv) Petitioners may file an application for supply of statement of account along with the duly stamped self addressed envelope. In case any such application is filed, the concerned branch of the Bank will give the same to the petitioners within fifteen days from the date of deposit of the first installment and in calculating the arrears, the amount (if any) already paid be adjusted.

(v) If the entire amount is deposited by the petitioners, as directed above, no recovery charges shall be realized from the petitioners.

(vi) If any fact stated by the petitioners are found to be incorrect, it will be open for the authorities to move an application for modification/recall of the order.

Order Date :- 8.11.2023

Kalp Nath Singh